

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

MARVIN ECHOLS,

Plaintiff,

Case No. 15-cv-11781

v.

Honorable Thomas L. Ludington  
Magistrate Judge Patricia T. Morris

WINGATE MANAGEMENT, INC., et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING  
PLAINTIFF'S COMPLAINT AS TO DEFENDANTS MICHIGAN STATE HOUSING  
DEVELOPMENT AUTHORITY, 74TH DISTRICT COURT, AND JUDGE TIMOTHY  
KELLY**

On May 19, 2015, Plaintiff Marvin Echols filed a pro se Complaint alleging that Defendants<sup>1</sup> “willfully violate[d] [his] statutory and other federal civil rights.” Pl.’s Compl. 1, ECF No. 1. Echols cites a number of federal statutes and cases and makes numerous references to discrimination on the basis of his race.

On June 16, 2015, Magistrate Judge Patricia T. Morris issued a report recommending that Plaintiff’s Complaint be dismissed *sua sponte* as to Defendants Kelly, 74th District Court in Bay City, and the Michigan State Housing Development Authority “because Plaintiff has failed to state a claim upon which relief can be granted with respect to those defendants.” Rep. & Rec. 1, ECF No. 6. Judge Morris first noted that the only statutes under which Echols could plausibly be bringing his claims, despite widely citing to a number of federal enactments, are 42 U.S.C.

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<sup>1</sup> Echols names a number of parties as Defendants in this matter. The list includes: Wingate Management, Inc., d/b/a Bradley House; Bradley House; Darla Penbroke; Tiffany Wright; Michigan State Housing Development Authority; Judge Timothy Kelly; and the 74th District Court in Bay City. It is possible that Echols intended to bring suit against additional parties since he includes “et al.” in his caption in numerous locations. The individuals listed are the only individuals identified, however.

§ 1982 and the Fair Housing Act, 42 U.S.C. § 3601ff. Rep. & Rec. 3, ECF No. 6. Judge Morris further determined that the Michigan State Housing Development Authority, the 74th District Court in Bay City, and District Judge Kelly all enjoy immunity which Echols is unable to overcome on the basis of the facts alleged in his complaint. *Id.* at 3. For that reason, Judge Morris recommended dismissing Echols' complaint as to those three defendants. She also found that Echols' complaint passes initial *in forma pauperis* screening as to all other Defendants because he makes at least facially acceptable claims of intentional race discrimination.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendations within fourteen days of service of the Report, neither Plaintiff nor Defendants filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 6, is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Complaint, ECF No. 1, is **DISMISSED with prejudice** as to Defendants Michigan State Housing Development Authority, the 74th District Court in Bay City, and Judge Timothy Kelly.

Dated: September 1, 2015

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 1, 2015.

s/Karri Sandusky  
Karri Sandusky, Acting Case Manager